

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICC INDUSTRIES INC, and
PRIMEX PLASTICS CORPORATION,

Case No: 11-cv-8671 (AKH)

STIPULATION OF DISCONTINUANCE

Plaintiffs,

v.

UNITED HEALTH CARE SERVICES LLC,
and EXPRESS SCRIPTS, INC.,

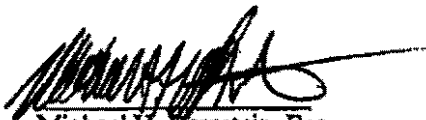
Defendants.

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ICC Industries Inc. ("ICC"), Primex Plastics Corporation ("Primex"), United Healthcare Services LLC ("United"), and Express Scripts, Inc. ("ESI") (collectively, the "Parties"), have consulted among themselves through their respective counsel, and have agreed to enter into this Stipulation of Discontinuance subject to the following conditions:

- 1) ICC and Primex shall dismiss without prejudice Count I of its Complaint for breach of contract against United and Count III of its Complaint for breach of ERISA violation to the extent this claim is made against United;
- 2) ICC and Primex shall dismiss without prejudice Count II of its Complaint for breach of contract against ESI. In addition, ICC and Primex shall dismiss with prejudice Count III of its Complaint for breach of ERISA violation to the extent this claim is made against ESI.
- 3) After ICC shall file the foregoing dismissal, the Parties shall proceed to non-binding mediation of ICC's and Primex's breach of contract claims against United and ESI as well as ICC's and Primex's breach of ERISA violation claim against United.

- 4) Subject to the foregoing conditions, the Parties hereby stipulate and agree to the discontinuance of this action, and further agree that the running of the statute of limitation on any claims, counterclaims, or cross-claims is hereby tolled as of the date of the filing of this action and until such time when the Parties complete mediation of this dispute.



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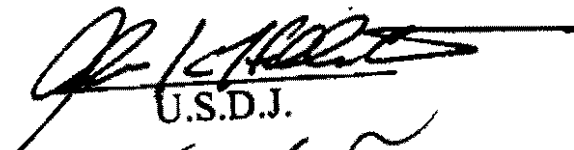
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Dated: March 21, 2012

SO ORDERED:


U.S.D.J.
6/12/12